IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR

WEDNESDAY, THE 21ST MARCH 2007 / 30TH PHALGUNA 1928

WP(C).No. 33128 of 2006(R)

PETITIONERS:
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1. **JOSEPH ANTONY @ SHYJU,**
   AGED 30 YEARS, S/O.P.V.VARGHESE,
   PULIKKAPARAMBIL HOUSE,
   VADUTHALA, ERNAKULAM.

2. **P.V.VARGHESE, S/O.VARUDHU,**
   PULIKKAPARAMBIL HOUSE,
   VADUTHALA, ERNAKULAM.

BY ADV. SRI.J.DEVADANAM.

RESPONDENTS:
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1. **THE ADDITIONAL DISTRICT MAGISTRATE,**
   ERNAKULAM.

2. **THE ASSISTANT EXECUTIVE ENGINEER,**
   ELECTRICAL SUB DIVISION,
   KERALA STATE ELECTRICITY BOARD,
   CENTRAL, ERNAKULAM.

3. **C.J.JOSEPH, KALAPPURAKKAL HOUSE,**
   EDAYAKKUNNAM.

BY ADV. SRI.JOSE J.MATHEIKEL, SC, KSEB,
GOVT. PLEADER SMT. M.K. PUSHPALATHA.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 21/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.BALAKRISHNAN NAIR, J.

W.P.(C) NO. 33128 OF 2006-R

JUDGMENT

The petitioners challenge Ext.P1 order passed by the 1st respondent Additional District Magistrate, granting permission to draw electricity line through their property to the residential building of the 3rd respondent. Ext.R2(a) is the sketch produced by the K.S.E.B. The proposed route is AB, which is on the boundary of the properties of the petitioners and one Mr.Louis Joseph. The beneficiary's building is at C. The petitioners have suggested an alternative route, which is PQB. From P to Q the line has to cut across the property of Smt.Monica George and thereafter to pass through the property of Smt.Virony. The distance from A to C is only 30 metres. The line can be drawn using weather proof wire also, whereas from P to Q over-head line should be drawn for 20 metres and thereafter weather proof wire for 30 metres from Q to B. The learned counsel for the petitioner also submitted that if the line is drawn through the route P to Q and from Q to B the same will not cause prejudice to any one, as there is a pathway. But, the Additional District Magistrate specifically considered the said point and rejected that proposal as not feasible. Further, the affected person

Smt.Monica George is not a party before this Court. Therefore, the said claim cannot be accepted.

2. Going by the sketch produced, I find that the route proposed by the K.S.E.B is the most feasible and economical. The line is drawn only through the boundary of the property of the petitioners. So, no serious prejudice is caused to them. Therefore, I find no reason to interfere with Ext.P1. While drawing the line, the officials of the K.S.E.B shall ensure that the line is drawn as far as possible, through the boundary of the petitioners' plot. Subject to the above direction, the Writ Petition is dismissed.

21st March, 2007. K.BALAKRISHNAN NAIR, JUDGE.

Nm/